

TAB 9

JOSHUA HUNT

August 11, 2017

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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ESTATE OF PIERRE LOURY,
Deceased, by Tambrasha
Hudson, Administrator,
Plaintiff,

-vs-

CITY OF CHICAGO, Chicago
Police Officers SEAN HITZ
(Star No. 6272) and JEFF J.
RIORDAN (Star No. 7716),

Defendants.

No. 16 C 04452

Videotape deposition of JOSHUA HUNT, taken
before NANCY DECOLA EATINGER, C.S.R., and Notary
Public, pursuant to the Federal Rules of Civil
Procedure for the United States Courts pertaining to
the taking of depositions for the purpose of
discovery, at Suite 2300, 191 North Wacker Drive,
Chicago, Illinois, commencing at 10:03 o'clock a.m.,
taken on August 11, 2017.

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1 There were present at the taking of this
2 deposition the following counsel:

3 ACTION INJURY LAW GROUP, LLC
4 By MR. ANDREW M. STROTH,
5 191 North Wacker Drive
6 Suite 2300
7 Chicago, Illinois 60606
8 (312) 771-2444
9 astroth@actioninjurylawgroup.com

10 and

11 ODIM LAW OFFICES
12 By MR. CARLTON ODIM
13 225 West Washington Street
14 Suite 2200
15 Chicago, Illinois 60606
16 (312) 578-9390
17 carlton@odimlawoffices.com

18 appeared on behalf of the Plaintiff;

19 CITY OF CHICAGO - DEPARTMENT OF LAW
20 By MR. JONATHAN CLARK GREEN,
21 Senior Counsel,
22 30 North LaSalle Street
23 Suite 900
24 Chicago, Illinois 60602
 (312) 744-0226
 jonathan.green@cityofchicago.org

 appeared on behalf of the City of Chicago;

 CITY OF CHICAGO - DEPARTMENT OF LAW
 By MS. LIZA M. FRANKLIN,
 Deputy Corporation Counsel,
 30 North LaSalle Street
 Suite 900
 Chicago, Illinois 60602
 (312) 742-0170
 liza.franklin@cityofchicago.org

 appeared on behalf of the
 Individual Defendants;

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INDEPENDENT POLICE REVIEW AUTHORITY

3

By MR. BRANDON CRASE,
1615 West Chicago Avenue
Fifth Floor

4

Chicago, Illinois 60622
(312) 746-3609

5

brandoncrase@chicagocopa.org

6

appeared on behalf of the
Independent Police Review Authority and
the Deponent, Joshua Hunt.

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8

ALSO PRESENT: SCOTT JOHNSON, Legal Videographer.

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1 THE VIDEOGRAPHER: This is the videotape
2 deposition of Joshua Hunt being taken in the matter
3 of Loury, et al., versus City of Chicago, et al.,
4 case number 16 C 04452.

5 This deposition is taking place at 191 North
6 Wacker Drive, Chicago, Illinois. Today's date is
7 August 11, 2017. The time is 10:03 a.m.

8 My name is Scott Johnson, and I'm the
9 videographer with US Legal Support located at 200
10 West Jackson Boulevard, Chicago, Illinois. The court
11 reporter today is Nancy Eatinger.

12 Video and audio recording will be taking
13 place unless all parties agree to go off the record.

14 Will counsel please state your names for the
15 record.

16 MR. ODIM: Carlton Odim for the plaintiff.

17 MR. STROTH: Andrew Stroth for the plaintiff.

18 MS. FRANKLIN: Liza Franklin on behalf of the
19 individual defendants.

20 MR. SCOTT: Brandon Crase on behalf of IPRA.

21 MR. GREEN: And Jonathan Green on behalf of the
22 City of Chicago and deponent.

23 THE VIDEOGRAPHER: Will the court reporter please
24 swear in the witness.

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1 (Witness sworn)

2 JOSHUA HUNT,

3 called as a witness herein, having been first duly
4 sworn, was examined upon oral interrogatories and
5 testified as follows:

6 EXAMINATION

7 By Mr. Odim:

8 Q Good Morning, Mr. Hunt.

9 A Good morning, Mr. Odim.

10 Q You've done this before?

11 A Yes, sir.

12 MR. ODIM: I'm going to show you what we'll mark
13 as Plaintiff's Exhibit 1.

14 (Whereupon, Plaintiff's Exhibit 1 was marked
15 for identification.)

16 MR. ODIM: Q You are the second listed deponent
17 designee in Plaintiff's Exhibit No. 1, correct?

18 A That is correct.

19 Q And there are to the right of your name
20 several paragraph indicators that refer to a rider
21 which is attached.

22 I just want you to confirm that the
23 paragraphs indicated are the paragraphs for which you
24 are prepared to testify about today; that is,

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1 Paragraph 2, including subpart (a); Paragraph 3,
2 including subpart (a); Paragraph 4, including subpart
3 (a); and Paragraph 6 including subpart (a)?

4 MR. GREEN: I would just object to the extent
5 that you're asking him beyond CPD, that it includes
6 CPD in some of these where he's a representative of
7 IPRA.

8 MR. ODIM: Yes, and the designee parents after his
9 name says as IPRA only.

10 MR. GREEN: Okay, just to clarify.

11 MR. ODIM: Q Okay.

12 A Yeah, okay, yes.

13 Q Okay, very good.

14 What is your current position with the City
15 of Chicago, Mr. Hunt?

16 A I'm a deputy chief administrator at the
17 Independent Police Review Authority as it transitions
18 into the Civilian Office of Police Accountability.

19 Q Is your employer actually the City of
20 Chicago?

21 A Yes, sir.

22 MR. ODIM: Okay. I'm going to show you what
23 we'll mark as Plaintiff's Exhibit 3.

24

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1 of the City of Chicago?

2 A That is my understanding.

3 MR. ODIM: Okay. So would you go back to the,
4 Court Reporter, the last question that was put to
5 which the objection was made?

6 (From the record above, the reporter read
7 the following:

8 "Q Does the City of Chicago have an
9 understanding of what a complete
10 investigation of a police shooting of a
11 civilian ought to encompass?"

12 MR. GREEN: And I would just direct you not to
13 answer for anything beyond IPRA as you are presented
14 here as a 30(b)(6) witness on behalf of the City for
15 IPRA. You can proceed.

16 THE WITNESS: Thank you. To quantify what would
17 make an investigation complete is a difficult task
18 because no two of these are the same.

19 There are certain steps, there's certainly
20 some core concepts that have to be achieved, and
21 there's key information that has to be collected, but
22 each incident is different, so in order to have a
23 standard checklist that we could adhere to would be
24 difficult.

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1 MR. ODIM: Q Okay. I want to focus on the core
2 components that would be applicable generally in
3 every case.

4 A Certainly.

5 Q And so if you could give us those core
6 components, list them for me, and then let's take
7 them one by one.

8 MR. GREEN: I would just object to the form and
9 vagueness, but go on.

10 THE WITNESS: Certainly. So it's rather daunting
11 to spell everything out, and I'm -- I don't know that
12 I would hit every single point.

13 MR. ODIM: Q Okay, yeah, this is not an exam or
14 a test.

15 A Certainly, yes.

16 Q I just want to get the framework as best as
17 you can.

18 A Sure. So -- and I'll try to do them in some
19 sort of order.

20 All of the relevant 911 calls, the radio
21 calls or OEMC transmissions, the preliminary reports,
22 the arrest reports, the supplemental reports, the
23 tactical response reports, the officer battery
24 reports, medical records, the ambulance report, the

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1 medical examiner's records if it's a fatality,
2 photographs and video of the scene, diagrams of the
3 scene, plats of the scene, comprehensive inventory
4 sheets of all the evidence that was collected.

5 And then shifting from the documentary
6 evidence, collection of any and all available video
7 evidence to include dash cams if they are applicable,
8 body-worn cameras, third-party video, police
9 observation device or pod video, red light video,
10 banks, gas stations, ATM, any potential video that
11 could be connected to the event itself or events that
12 surround the event.

13 And then the collection of statements from
14 all of the witnesses that will agree to speak to us
15 and all of the officers who have relevant information
16 to provide about the event to include the witnesses,
17 officers and the involved officers.

18 Ancillary to that is a whole bucket of items
19 that should be collected or completed, but they would
20 sort of be on a case-by-case basis dependent upon the
21 event itself.

22 Q Okay. Of the items that you have listed,
23 you've testified, --

24 A Yes, sir.

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1 A They do not.

2 Q IPRA doesn't take photos of the scene or
3 generate any photos?

4 A IPRA may, but not photos of the initial
5 scene. IPRA may return to do additional
6 investigation or photography after the fact, but the
7 initial crime scene, incident scene photos are taken
8 by the CPD's evidence technician.

9 Q It's also fair to say that IPRA would also --
10 IPRA may also create diagrams and plats?

11 A IPRA may, that is correct.

12 Q And the CPD may also do the same?

13 A That is correct.

14 Q Okay. And it's also fair to say that IPRA
15 does not generate or create any inventory sheets?

16 A That is correct.

17 Q Okay. Neither does IPRA generate or create
18 dash cam videos?

19 A Correct.

20 Q IPRA does not generate or create third-party
21 videos?

22 A Correct.

23 Q And IPRA does not generate or create pod
24 videos?

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1 A Correct.

2 Q Regarding statements of the witnesses, IPRA
3 does conduct interviews from which it --

4 A That is correct.

5 Q -- takes or reduces the statements either to
6 audio or written form?

7 A Captures the statement audio recorded in some
8 instances from 2010 to 2016, especially later, like
9 2015, 2016, some of those interviews are videotaped
10 at the area.

11 Q Okay.

12 A Handwritten statements are generally not
13 taken by IPRA, and in terms of reducing the
14 statements, the statements we collect are only
15 reduced in summary form in a final report, so there
16 is no unrecorded interview that occurs and then is
17 reduced to a smaller form that's documented later.

18 Q Okay. Now, an IPRA investigator, let's talk
19 about IPRA investigators --

20 A Yes, sir.

21 Q -- for a second.

22 Does IPRA have a method for determining
23 which investigator to assign to which investigation?

24 A In terms of shootings from 2010 to 2016?

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1 Q Yes, yes.

2 A Okay.

3 Q Yes.

4 A Great.

5 So yes.

6 Q And what is that method?

7 A So from 20 -- in the time period from 2010 to
8 2016 there are two answers to this question, sir.

9 Q Okay.

10 A So I don't know how to best address how you'd
11 prefer it to be answered.

12 MR. GREEN: Well, is it -- just for
13 clarification, does it divide up within that time,
14 six-year time period?

15 THE WITNESS: Around 2014 there's a change.

16 MR. ODIM: Well, --

17 MR. GREEN: Well, --

18 MR. ODIM: Q I want the answer, I want the --
19 what it was during the period and what the change
20 was.

21 MR. GREEN: Right. If you can give the dates
22 approximately --

23 MR. ODIM: Yeah.

24 THE WITNESS: Okay.

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1 MR. GREEN: -- of the first part and then when it
2 changed, what was the change and what dates did that
3 cover.

4 THE WITNESS: Absolutely.

5 So in focusing on the time period from 2010
6 to 20 -- late 2014 or maybe even closer to -- my best
7 approximation might be like January 1st of 2015, I
8 think the two time periods we need to discuss to
9 answer this question.

10 MR. ODIM: Q Okay.

11 A So from '10 to let's just call it January
12 1st, 2015, and again, it could be plus or minus 15 to
13 30 days on either side of that. I couldn't say
14 without having more data in front of me.

15 Q Yeah, yeah.

16 A So starting in 2010 through, IPRA had a team
17 of shooting specialists who are investigators that
18 had volunteered for extra duty.

19 At any given time there was approximately
20 six to eight of them. They had received advanced
21 training both in the classroom and on the job in
22 order to learn how to perform the duties required of
23 a shooting specialist.

24 Those investigators would share call

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1 rotation and would respond to the shooting when it
2 happened, so as previously discussed, IPRA had and
3 still has immediate response protocol for the
4 shootings, so our shooting specialists would respond
5 to the scene, and they would conduct the preliminary
6 investigation.

7 Q Okay.

8 A They would be responsible for evaluating the
9 scene, making determinations about what needed to be
10 done, conducting canvasses, interfacing with the
11 on-call incident commanders and the commanders of the
12 detective's division, and for in many cases
13 interviewing the witness and sometimes the involved
14 officers and any other witnesses that were available
15 within that first 48-hour-time period.

16 Oftentimes their responsibilities would go
17 beyond that 48-hour-time period if there were --
18 there was time sensitive information that had to be
19 gathered or time sensitive interviews that had to
20 occur. Again, we're in the 2010 to that 2015 range.

21 After that first few days of a shooting,
22 that investigation would be assigned out to one of
23 our general investigation teams for the finalization
24 of the investigation and for summarization.

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1 In terms of the workload that was done, it
2 would be hard -- it would be difficult to assign a
3 percentage to how much of the case had been done by
4 the shooting specialist before it was passed to an
5 investigator. That would vary, but the investigator
6 that would end up being assigned that case would be
7 responsible for completing the investigation.

8 I think that your core question was how were
9 those investigators selected. We had a coordinator
10 of investigations that had a rotation sheet for all
11 of our investigative teams, and the coordinator would
12 go by the sheet to determine which team was up for
13 the next shooting to be assigned to their team.

14 That shooting would go to that team's
15 supervisor, and then that supervisor would make a
16 determination based upon abilities, talents or
17 workload or rotations themselves which one of their
18 investigators should be assigned that shooting.

19 The responsibility and workload was spread
20 across the office.

21 Q Does -- okay. And then the second --

22 A Sure.

23 Q Were you finished on that phase?

24 A Yes, sir.

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1 fluctuate.

2 Q Yeah, okay, got ya.

3 Fair to say that the City believes that an
4 IPRA investigator should not conduct an investigation
5 that is biased towards the officer, the shooting
6 officer who is being investigated?

7 A City agrees.

8 Q It's also fair to say that the City agrees
9 that an IPRA investigator should not interview an
10 officer who is invest -- who is being investigated in
11 a way that suggests answers to the officer?

12 A The City agrees it should not happen.

13 Q The City of Chicago also agrees that an IPRA
14 investigator should be objective in conducting an
15 investigation?

16 A The City absolutely agrees.

17 Q Fair to say that the City of Chicago agrees
18 that an IPRA investigator should use methods during
19 the investigation that ensure objectivity of that
20 investigation?

21 MR. GREEN: Just object to vagueness in this
22 context, but go on.

23 THE WITNESS: The City would agree.

24 MR. ODIM: Q Okay. The City of Chicago agrees

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1 investigator would not want to collect that statement
2 right away because other evidence may be pouring in
3 that is important to have before the statement is
4 taken.

5 Q Okay.

6 A So that's an easier scenario to sort of
7 define.

8 Q That -- in order to lock in a story, do you
9 understand what that means?

10 A I do.

11 Q And is that in part what you may be referring
12 to here?

13 MR. GREEN: I would just object to vagueness of
14 this line of questioning.

15 THE WITNESS: Again, we're kind of in a
16 hypothetical, but there are some instances where
17 locking in a statement early on may be the best
18 course of action in consideration of what your
19 investigative strategy is.

20 MR. ODIM: Q Okay.

21 A There are other instances where there are --
22 there could be witness statements or body cameras or
23 dash cam or third-party camera that we need to obtain
24 and analyze before statements are taken.

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1 Q Okay, okay.

2 A There's also many times -- not many times.

3 There are, there are times when there are potential

4 considerations for potential prosecution of an event

5 that we would purposely wait on collecting the

6 officer's statement as it's a compelled statement.

7 We wouldn't want to affect a criminal investigation.

8 So those are -- these are concepts that have
9 to be analyzed and evaluated as the event is sort of
10 unfolding.

11 Q Are all officer-involved shootings subject to
12 a criminal investigation?

13 MR. GREEN: Just object to vagueness as to
14 "subject to".

15 THE WITNESS: Yeah, I can, I can answer that
16 question --

17 MR. ODIM: Q Yes.

18 A -- with that objection in mind, so, and maybe
19 more simply, in the City of Chicago, all
20 officer-involved shootings are forwarded for the
21 State's Attorneys Office, the Cook County State's
22 Attorney's Office for their consideration.

23 Q And is that why when a statement is given by
24 an officer it's always compelled?

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1 MR. GREEN: I just --

2 MR. ODIM: Q A shooting, in a shooting
3 incident?

4 MR. GREEN: I would just object to evidence not
5 in the record, vagueness, incomplete hypothetical,
6 but go on.

7 THE WITNESS: The officer statement being
8 compelled has nothing to do with our -- with the fact
9 that we also forward the investigation to the State's
10 Attorney's Office. The officer's statement is
11 compelled because we are also conducting an
12 administrative investigation, and they have to answer
13 our questions about the shooting.

14 MR. ODIM: Q Okay.

15 A So that's why, that's why it's compelled,
16 but.

17 Q Okay.

18 A But the fact that it's compelled --

19 Q So there no connection, there's no
20 connection, like you said, there's no connection
21 between the forwarding of the criminal and the
22 compulsion that the officer is under?

23 Put it differently, the compulsion is a
24 function of his obligation to his job, he's required

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1 to give a statement or he may lose his job, right?

2 A That, that part is true, yes.

3 Q Yes. And it's not necessarily connected with
4 the fact that the file may be forwarded to the
5 State's Attorney after it's complete -- or at some
6 point, not after it's complete, at some point?

7 A Well, to say it's not connected is not
8 entirely true. There is a connection there. It's a
9 consideration. The fact that there's a compelled
10 statement has to be considered in the review of the
11 case for potential criminal prosecution as well, so.

12 Q Okay.

13 A That's a very difficult and delicate maze for
14 us to navigate sometimes, but it's all -- it is
15 connected to it.

16 Q Okay, okay.

17 A It's just not a derivative thereof.

18 MR. ODIM: Okay. Let's take a five-minute break.

19 THE VIDEOGRAPHER: Off the record at 11:14 a.m.

20 (Brief recess taken.)

21 THE VIDEOGRAPHER: Back on the record, 11:22 a.m.

22 MR. ODIM: Q Mr. Hunt, what is, what is a
23 disciplinary matrix?

24 MR. GREEN: I'll just object to vagueness, but

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1 A Yeah, okay.

2 MR. GREEN: 2016 generally.

3 THE WITNESS: 2016.

4 MR. ODIM: Q I like using "ish".

5 A Yeah, in 2016ish, I think it was a little
6 more formalized. You know, if the discipline matrix
7 is a person, it is a toddler right now, but it's --
8 so to tell you its exact birthday, I can't say, but I
9 know that from 2010 to 2015ish it wasn't, and there's
10 a caveat to your question.

11 Q Okay.

12 A It wouldn't be used by the investigators, it
13 would be the chief administrator who is ultimately
14 the one that determines recommendations for
15 discipline.

16 Q So do I understand that the investigator
17 would not make a recommendation based upon the
18 disciplinary matrix, but the supervisor would make a
19 decision based upon the disciplinary matrix?

20 MR. GREEN: I would object to vagueness,
21 mischaracterizes his testimony, vague.

22 THE WITNESS: So many components to that that
23 have to sort of be unpacked.

24 From 2010 to 2015ish, the investigator and

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1 the supervisor on the case may have a discussion with
2 the chief administrator about what discipline would
3 be appropriate, but the chief administrator would
4 decide.

5 MR. ODIM: Q Okay.

6 A So they wouldn't -- and it wouldn't be formal
7 -- I don't -- it wouldn't be formalized, it would be
8 a discussion upon a case review of a sustained case.

9 Q Okay.

10 A Late -- or 2015 until present, the same
11 discussions may occur between an investigator and a
12 supervisor and the chief administrator, but the chief
13 administrator would make the determination, and in
14 that late 2015, 2016 range, the chief administrator
15 could rely upon the disciplinary matrix.

16 Q Okay. I want to go back quickly to
17 investigations and the concept of closing an
18 investigation.

19 A Yes, sir.

20 Q What is the protocol for closing an IPRA
21 investigation?

22 A 2010 to 2016 shootings?

23 Q That's correct.

24 A So I'm trying to determine if there is a

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1 phase one, phase two issue here. I don't believe
2 that there is.

3 So 2010 to 2016, once the investigator has
4 finished their investigation, they would summarize it
5 and write it up and provide it to the supervisor.
6 The supervising investigator would go through that
7 report and look for several things.

8 One, is the report well written and legible,
9 typos. Two, is it reflective of all the evidence
10 that's been gathered thus far in the file itself.
11 And three, is the investigation itself complete or
12 are there investigative steps that are not in the
13 file and not in the report that need to be conducted
14 before the case can be closed.

15 If any of those prongs are met where the
16 supervisor believes there's a -- it's not complete
17 yet or it needs to be re -- like there are edits, it
18 goes back to the investigator, but let's say for the
19 purposes of answering this question that the
20 supervisor has agreed that it's well written, it's
21 reflective of what's there and it's -- reflects a
22 complete investigation, then that would -- that --
23 the file and the report itself gets pushed to one of
24 the deputy chiefs who would do the same analysis of

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1 the case, and once that's conducted, it would go to
2 the chief administrator or the first deputy when we
3 had one to do the same thing.

4 So you got three and sometimes four layers
5 of review of an investigation to determine whether or
6 not it was accurate, complete, factual and that the
7 findings were appropriate or correct.

8 Q Does the City of Chicago believe that all
9 closed -- all IPRA investigations closed during the
10 2010, 2016 period were complete?

11 MR. GREEN: Just object to the extent you're
12 seeking speculation, incomplete hypothetical, but go
13 on.

14 THE WITNESS: I don't know that the City of
15 Chicago could categorically agree or disagree with
16 that statement. I think that hindsight is 20/20, and
17 I also believe that hindsight from the perspective of
18 self improvement is enhanced.

19 So the way things, the way things were done
20 in a certain time period at the time may -- that,
21 maybe that's how we define what completeness was.

22 As we've moved into a new era and we have
23 sought to improve the way we do things, we wouldn't
24 be improving if we had always done it perfectly, so I

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1 think to look back and evaluate old cases to see
2 where you could have improved is a healthy practice.

3 So the City of Chicago agrees that some
4 things maybe could have been done differently or
5 better, and I think that's why they created IPRA in
6 the first place and then COPA later, to broaden the
7 way these are handled.

8 MR. ODIM: Q The -- taking out of the question
9 I'm going to ask you now the question of applying
10 present standards retroactively --

11 A Yes, sir.

12 Q -- either for investigative purposes or for
13 review purposes, take that out of the mix here, does
14 the City of Chicago agree that not all cases closed
15 -- rather that all cases closed between 2010 and 2016
16 were not complete?

17 MR. GREEN: I would just object again to
18 vagueness, renew my objections to this question,
19 incomplete hypothetical.

20 THE WITNESS: And the City of Chicago would not
21 agree. If you asked the City of Chicago in 2013 or
22 2014 if shootings closed that year were complete, the
23 answer then would be yes.

24 It's only applying this higher standard --

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1 today's higher standard retroactively that we realize
2 that there are things that maybe could have been
3 done, but at the time there was never a case that
4 would just be closed with glaring missteps or
5 incompleteness at no time in the agency's history
6 that I'm aware of, and especially from -- within 2010
7 to 2016 were cases allowed to be closed if there was
8 investigative steps that should be conducted.

9 MR. ODIM: Q Okay.

10 A Again, in applying this higher standard today
11 and looking backwards, we see things that we're doing
12 now that we didn't do then, and -- but that's -- at
13 the time.

14 Q Right, okay, all right. Does the City of
15 Chicago have an understanding what -- of what witness
16 collusion is?

17 MR. GREEN: I'll object to vagueness.

18 THE WITNESS: Does the City of Chicago understand
19 the concept of witness collusion?

20 MR. ODIM: Q Yes.

21 A Yes.

22 Q And the City of Chicago agrees that proper
23 investigation conducted by IPRA would look for --
24 would investigate if appropriate witness collusion?

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1 MR. GREEN: Just object to speculation,
2 incomplete hypothetical, vagueness, but go ahead.

3 THE WITNESS: The City of Chicago would agree
4 that its best practice in any investigation, to be
5 wary of and to look for and to be able to reconcile
6 any instances of collusion on the part of anybody
7 that's involved in the investigation.

8 MR. ODIM: Q After IPRA has con -- taken a
9 compelled statement from an officer, can IPRA compel
10 a second statement?

11 A From the same officer?

12 Q From the same officer.

13 A Yes.

14 Q Okay. Is there a limit to IPRA's authority
15 in repeatedly reviewing -- repeatedly interviewing
16 the officer?

17 MR. GREEN: Just object to the extent you're
18 seeking a legal conclusion, but as to your practice,
19 go on.

20 MR. ODIM: Q I mean a practical limit, you
21 know.

22 MR. GREEN: Just object to vagueness, but go on.

23 THE WITNESS: Yeah, so there's two questions,
24 there's two questions, two answers.